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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

GINA L. BRITTON, a single woman,
and on behalf of other similarly
situated,

Plaintiffs,

v.

SERVICELINK FIELD SERVICES, LLC, formerly known as LPS FIELD SERVICES, INC.,

Defendant.

NO.

Washington State Court,
Spokane County Cause No.
18-2-00007-1

DEFENDANT'S NOTICE OF REMOVAL TO FEDERAL COURT

[Diversity Jurisdiction – Class Action Fairness Act]

TO: The Honorable Judges of United States District Court for the Eastern District of Washington at Spokane:

{00342665;1}

FREY BUCK, P.S.

DEFENDANT'S NOTICE OF REMOVAL TO FEDERAL
COURT - 1

1200 Fifth Ave, Suite 1900
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1 PLEASE TAKE NOTICE THAT Defendant ServiceLink Field
2 Services, LLC, f/k/a LPS Field Services, Inc., ("ServiceLink") respectfully
3 removes the above-captioned action, Case No. 18-2-00007-1, currently
4 pending in the Superior Court of the State of Washington for Spokane
5 County, to the United States District Court of the Eastern District of
6 Washington at Spokane. Removal is based on 28 U.S.C. §§ 1332(d) (the
7 Class Action and Fairness Act), 1441(b), 1446, and 1453.

9 **STATEMENT OF JURISDICTION**

10 1. On or about January 2, 2018, Plaintiff Gina L. Britton ("Plaintiff")
11 commenced an action in the Superior Court of the State of
12 Washington, Spokane County entitled *Gina L. Britton, a single*
13 *woman, and on behalf of others similarly situated v. ServiceLink*
14 *Field Services, LLC, f/k/a LPS Field Services, Inc.*, Case No:
15 18200007-1 by filing a Complaint.
16
17 2. The Complaint and Summons were served on ServiceLink on
18 January 4, 2018. This notice has been timely filed within the
19 period required under 28 U.S.C. ¶ 1446.
20
21 3. Superior Court of the State of Washington, Spokane County is
22 located within the Eastern District of Washington at Spokane. 28
23 U.S.C. § 105(b)(1). Therefore, venue for the removal is proper

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1 because this is the “district and division embracing the place
2 where such action is pending.” 28 U.S.C. §1441(a).

3 4. Pursuant to 28 U.S.C. §1441(a), a copy of all process and
5 pleadings served upon Defendant is attached hereto. Further,
6 pursuant to 28 U.S.C. §1446(d), a copy of this Notice of Removal
7 is being served upon Plaintiff’s counsel and a copy is being filed
8 with the Clerk of the Superior Court of the State of Washington,
9 Spokane County.

10 5. This matter is removable because this honorable Court has
11 original jurisdiction over this action pursuant to the Class Action
12 Fairness Act of 2005, Pub. L. No. 109-2, 119 Stat. 4 (codified in
13 scattered sections of 28 U.S.C.) (“CAFA”).

15 6. CAFA grants federal district courts original jurisdiction over civil
16 class action lawsuits filed under federal or state law in which any
17 member of a class of plaintiffs is a citizen of a state different from
18 any defendant, and where the amount in controversy exceeds
19 \$5,000,000, exclusive of interest and costs.

21 7. Pursuant to 28 U.S.C. § 1332(d)(2)(A), district courts have original
22 jurisdiction over civil actions where “the matter in controversy
23 exceeds the sum or value of \$5,000,000.00, exclusive of interest

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1 and costs, and is a class action in which (A) any member of a
2 class of plaintiffs is a citizen of a State different from any
3 defendant.” The statute also permits a class’s damages to be
4 aggregated to determine whether the amount in controversy is
5 sufficient. 28 U.S.C. § 1332(d)(6). Finally, the class must have a
6 minimum of 100 members. 28 U.S.C. § 1332(d)(5)(B).

8. This matter is removable pursuant to CAFA because (a) the
9 amount in controversy exceeds the value of \$5,000,000, exclusive
10 of costs and interest, (b) there are more than 100 class members,
11 and (c) this putative class action is against a primary defendant,
12 who is a citizen of another state.

14. First, ServiceLink denies the allegations contained in the
15 Complaint and denies that Plaintiff or any putative class member is
16 entitled to any monetary relief. Nonetheless, the amount in
17 controversy here satisfies the jurisdictional threshold. Plaintiff
18 seeks—and a fact-finder legally might award—aggregate
19 damages in excess of the \$5 million amount-in-controversy
20 requirement. See 28 U.S.C. § 1332(d)(2), (d)(6). Plaintiff
21 challenges Defendant’s alleged “common course of conduct
22 whereby it wrongfully and forcibly enters borrowers’ properties

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1 prior to completion of a foreclosure to perform destructive and
2 disruptive acts, including destroying the existing lock(s) on a
3 borrower's home, removing the borrower's destroyed locks from
4 the home, rummaging through, "trashing out" and damaging
5 property inside the home, and removing the borrower's personal
6 property from the home and property." (Complaint, 1.8) Plaintiff
7 herself alleges damages in excess of \$1,000. (Complaint, 5.23.)
8 Plaintiff's alleged damages are in excess of \$1,000, trebled, plus
9 attorneys' fees, which may be available under the Washington
10 Consumer Protection Act RCW 19.86 *et seq.* Assuming average
11 damages of only \$1,000, without trebling or attorneys' fees, would
12 require only 5,000 class members. With trebling (*i.e.*, an average
13 total of \$3,000), only 1,667 class members to reach the
14 jurisdictional amount of over \$5,000,000 in controversy. Plaintiff
15 here alleges tens of thousands of class members. (Complaint,
16 6.5.) Plaintiff also alleges entitlement to treble damages and
17 attorneys' fees both individually and on behalf of the class.
18 (Complaint, 7.7-7.9.) Plainly, the amount in controversy exceeds
19 \$5,000,000.

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10. Second, Plaintiff's complaint alleges over 100 class members.

(Complaint, 6.5 [alleging over tens of thousands of class members].)

11. Third, minimal diversity exists because Plaintiff is a citizen of

Washington and ServiceLink is not a citizen of Washington.

ServiceLink is a limited liability company, whose sole member is

ServiceLink Default Services, LLC. ServiceLink Default Services.

LLC's sole member is ServiceLink NLS, LLC. ServiceLink NLS,

LLC's sole member is ServiceLink Holdings, LLC. ServiceLink

Holdings, LLC has a majority member, ServiceLink Holdings, L

a Delaware corporation with a principal place of business in

Florida ServiceLink Holdings LLC has minority members

of whom are citizens of Washington. They are:

a. THI Equity Fund VI Investors (BKES) III, L.P., a Delaware

limited partnership with its principal place of business in

Massachusetts is owned (100%) by a Japanese bank.

3. The service subject to a performance provision

WIE Equity Fund VI investors (BKI 3 EM), EES, a limited

ability company with its principal place of business in

1 Massachusetts, is owned by a Delaware limited liability
2 company, with its principal place of business in
3 Massachusetts, which itself is owned by six corporations.
4 The specific identity of the members is subject to
5 confidentiality obligations. However, two of those six
6 corporations are Wisconsin corporations, one is a
7 Massachusetts corporation, and three are New Hampshire
8 corporations. All control of those six corporations rests in
9 Massachusetts, the location of the principal place of
10 business of each of these six corporations.

11 c. THL Equity Fund VI Investors (BKFS-NB), LLC, a Delaware
12 limited liability company with its principal place of business in
13 Massachusetts is solely owned by a Wyoming limited
14 partnership with its principal place of business in New
15 York. The Wyoming limited partnership is owned (99%) by
16 its limited partner, a governmental entity in the state of
17 Wyoming, and is owned (1%) by its general partner, a
18 Wyoming limited liability company that is indirectly controlled
19 by a Delaware corporation with its principal place of
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21
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1 business in New York. The specific identity of the members
2 is subject to confidentiality obligations.

3 d. THL Investors Black Knight II (A) Holding Corp., a Delaware
4 corporation with its principal place of business in
5 Massachusetts.
6
7 e. THL Investors Black Knight II (B) Holding Corp., a Delaware
8 corporation with its principal place of business in
9 Massachusetts.
10
11 f. THL Black Knight II (A) Holding Corp., a Delaware
12 corporation with its principal place of business in
13 Massachusetts.
14
15 g. THL Black Knight II (B) Holding Corp., a Delaware
16 corporation with its principal place of business in
17 Massachusetts.
18
19 h. THL Black Knight II (C) Holding Corp., a Delaware
20 corporation with its principal place of business in
21 Massachusetts.
22
23 i. THL Black Knight II (D) Holding Corp., a Delaware
corporation with its principal place of business in
Massachusetts.

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1 j. THL Black Knight II (E) Holding Corp., a Delaware
2 corporation with its principal place of business in
3 Massachusetts.

4 12. Finally, this putative class action is not subject to the local
5 controversy exception or the home-state exception because
6 ServiceLink is not a Washington citizen.

7 WHEREFORE, ServiceLink gives notice that Case No. 18-2-00007-1,
8 which is presently pending in the Superior Court of Spokane County,
9 Washington, is hereby removed to this Court.

10 DATED this 2nd day of February, 2018 at Seattle, Washington.

11 **FREY BUCK, P.S.**

12 By: /s/ Ted Buck
13 Ted Buck, WSBA #22029
14 Attorneys for Defendants

15 {00342665;1}

16 DEFENDANT'S NOTICE OF REMOVAL TO FEDERAL
17 COURT - 9

18 **FREY BUCK, P.S.**

19 1200 Fifth Ave, Suite 1900
20 Seattle WA 98101
21 TEL 206.486.8000 FAX 206.902.9660

1 Certificate of Service

2 I certify that on the date noted below I electronically filed this
3 document entitled **DEFENDANT'S NOTICE OF REMOVAL TO FEDERAL**
4 **COURT** with the Clerk of the Court using the CM/ECF system which will
send notification of such filing to the following persons:

5 :
6 Clay M. Gatens, WSBA #34102

clayg@jdsalaw.com

7 Devon A. Gray, WSBA #51485

devong@jdsalaw.com

8 JEFFERS, DANIELSON, SONN &
AYLWARD, P.S.

9 2600 Chester Kimm Road

10 P.O. Box 1688

11 Wenatchee, WA 98807-1688

TEL: (509) 662-3685

FAX: (509) 662-2452

12
13 *Attorneys for Plaintiffs*

14
15 DATED this 2nd day of February, 2018, at Seattle, Washington.

16
17
18 /s/ Ted Buck via ECF

19 Ted Buck

20
21
22
23 {00342665;1}

DEFENDANT'S NOTICE OF REMOVAL TO FEDERAL
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